

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION

FILED BY S D.C.  
05 AUG 12 AM 11:58  
THOMAS M. GOULD  
CLERK U.S. DISTRICT COURT  
AND OF T. JACKSON

TERRETTA WEBB,

Plaintiff,

vs.

No.: 1:04-CV-1288-T/An

STANLEY JONES REALTY, INC.,

Defendant.

~~PROPOSED~~ AMENDED RULE 16(b) JOINT SCHEDULING ORDER<sup>1</sup>

Pursuant to FEDERAL RULES OF CIVIL PROCEDURE (F.R.C.P.) 26(f) and 16(b), Terretta Webb ("Plaintiff") and Stanley Jones Realty, Inc. ("Defendant") (collectively "parties") show the Court as follows:

**JOINT SCHEDULING CONFERENCE:**

The parties held a conference by telephone on August 2, 2005 and the individuals participating were:

- |     |                |                         |
|-----|----------------|-------------------------|
| (a) | for Plaintiff: | Stephen H. Biller, Esq. |
| (b) | for Defendant: | Mark E. Stamelos, Esq.  |

**INITIAL DISCLOSURES (F.R.C.P. 26(a)(1)):**

Initial Disclosures have already been exchanged.

<sup>1</sup> This proposed Amended Rule 16(b) Joint Scheduling Order is submitted pursuant to the Court's July 6, 2005 Order granting Defendant's Motion for New Scheduling Conference due to the withdraw of Defendant's former counsel,

**JOINING PARTIES:**

(a) for Plaintiff: August 31, 2005

(b) for Defendant: August 31, 2005

**AMENDING PLEADINGS:**

(a) for Plaintiff: August 31, 2005

(b) for Defendant: August 31, 2005

**COMPLETING ALL DISCOVERY:**

(a) REQUESTS FOR PRODUCTION, INTERROGATORIES and  
REQUESTS FOR ADMISSIONS :

Discovery will be completed by: October 31, 2005

(b) EXPERT DISCLOSURE (F.R.C.P. 26(a)(2)):

(i) Plaintiff's Experts: No later than August 31, 2005

(ii) Defendant's Experts: No later than September 30, 2005

(iii) Supplementation under F.R.C.P. 26(e): 10 days after Defendant's  
disclosure

(c) DEPOSITION OF EXPERTS: January 9, 2006

**FILING DISPOSITIVE MOTIONS:** December 6, 2005

**FINAL LIST OF WITNESSES AND EXHIBITS (F.R.C.P. 26(a)(3)):**

(a) for Plaintiff: 45 days before trial

(b) for Defendant: 30 days before trial

Parties shall have 10 days after service of final list of witnesses and exhibits to file  
objections under Rule 26(a)(3).

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Kathleen Henderson, who was activated for military duty.

The trial of this matter is expected to last 2 1/2 days and is **SET** for **JURY TRIAL** on **MONDAY, MARCH 27, 2006 at 9:20 a.m.** A Joint Pretrial Order is due on **FRIDAY, MARCH 17, 2006**. In the event the parties are unable to agree on a Joint Pretrial Order, the parties must notify the court at least ten days before trial.

**OTHER RELEVANT MATTERS:**

Interrogatories, Requests for Production, and Requests for Admissions must be submitted to the opposing party in sufficient time for the opposing party to respond by the deadline for the completion of discovery. For example, if F.R.C.P. allows thirty (30) days for a party to respond, then the discovery must be submitted at least thirty (30) days prior to the deadline for completion of discovery.

Motions to compel discovery are to be filed and served by the discovery deadline or within thirty (30) days of the default or service of the response, answer, or objection which is the subject of the motion if the default occurs within 30 days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or any objection to the default, response or answer shall be waived.

The parties are reminded that pursuant to Local Rule 7(a)(1)(A), and (a)(1)(B) all motions, except motions pursuant to F.R.C.P. 12, 56, 59, and 60, shall be accompanied by a proposed Order and a Certificate of Consultation.

The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth

the reasons for which a reply is required.

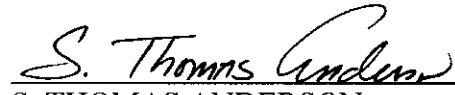
The parties may consent to trial before the magistrate judge. The magistrate judge can normally provide the parties with a definite trial date that will not be continued unless a continuance is agreed to by all parties, or an emergency arises which precludes the matter from proceeding to trial.

The parties at this time decline to consent to a trial before the magistrate judge.

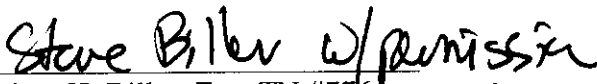
***The parties are encouraged to engage in Court-annexed attorney mediation or private mediation on or before the close of discovery.***

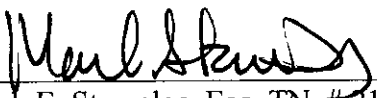
This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this Order will not be modified or extended.

**IT IS SO ORDERED.**

  
S. THOMAS ANDERSON  
UNITED STATES MAGISTRATE JUDGE  
Date: *August 12, 2005*

APPROVED FOR ENTRY BY:

  
Stephen H. Biller, Esq. TN #7764 *mes.*  
The Bogatin Law Firm  
1611 International Place Drive  
Suite 300  
Memphis, Tennessee 37120  
(901) 767-1234  
Counsel for Plaintiff

  
Mark E. Stamelos, Esq. TN. #21021  
King & Ballow  
1100 Union Street Plaza  
315 Union Street  
Nashville, Tennessee 37201  
(615) 259-3456  
Counsel for Stanley Jones Realty, Inc.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing Scheduling Order was duly served this 9<sup>th</sup> day of August 2005 via postage first class U.S. Mail addressed as follows:

Stephen H. Biller, Esquire  
The Bogatin Law Firm  
1661 International Place Drive, Suite 300  
Memphis, Tennessee 38120

  
Mark E. Stamelos



## Notice of Distribution

This notice confirms a copy of the document docketed as number 40 in case 1:04-CV-01288 was distributed by fax, mail, or direct printing on August 15, 2005 to the parties listed.

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Mark E. Stamelos  
KING & BALLOW  
315 Union Street  
1100 Union Street Plaza  
Nashville, TN 37201

Stephen H. Biller  
THE BOGATIN LAW FIRM  
1661 International Place Dr.  
Ste. 300  
Memphis, TN 38120

Honorable James Todd  
US DISTRICT COURT